IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Crl.Rev.Pet.No. 1432 of 2001()

CRA.389/1999 of V ADDL.SESSIONS COURT, ERNAKULAM
CC.275/1996 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOCHI
.....

REVN. PETITIONER: APPELLANT/ ACCUSED

PRADEEPKUMAR, SON OF NARAYANAN,
CHAVARUKULANGARA HOUSE,
PERIYAPPURAM KARA, ONAKKUR
VILLAGE, MUVATTUPUZHA.

BY ADV. SRI.C.C.THOMAS

RESPONDENT/ RESPONDENT/ COMPLAINANT

STATE OF KERALA, REP.BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP.NO.1432/2001

ORDER ON CRL.MP.6823/2001 IN CRL.RP. NO.1432/2001

DISMISSED

26.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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K.R.UDAYABHANU, J

CRL.R.P.No.1432 of 2001

Dated this the 26th day of July, 2007

O R D E R

The revision petitioner is the accused in C.C.No.275/96 who stands convicted and sentenced to undergo R.I. for six months for the offence under Section 279 IPC and R.I. for one year for the offence under Section 304(A) IPC and also to suspend the driving licence stands suspended for two years.

2. The allegation is that the accused/revision petitioner on 2.11.1995 at about 9.45 a.m., drove a Maheendra van bearing No.KL-7 8672 in a rash and negligent manner so as to endanger human life and hit the deceased who died on account of the injuries sustained. It is the defence version that the incident took place is not on account of the negligence of the petitioner.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 10 and Exts. P1 to P8.

4. The counsel for the revision petitioner has only sought for modification of the sentence pointing out that more than a decade has elapsed since the commencement of the proceedings

and so far he has been prosecuting in the matter. He has sought for avoiding the imprisonment. It is pointed out that his family consists of wife, children and aged parents are depending on his income.

5. In the circumstances considering the long lapse of time, the sentence imposed for the offence under Section 304(A) IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.25,000/- to the legal representatives of the deceased and in default, to undergo simple imprisonment for six months. No separate sentence is awarded for the offence under Section 279 IPC. Revision petitioner is granted three months' time to remit the compensation amount. He shall appear before the Judicial First Class Magistrate Court-I, Kochi on 30.10.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl